

Application Number 	Application/Control No. 10/817,556	Applicant(s)/Patent under Reexamination PILLAR ET AL.

Document Code - DISQ	Internal Document – DO NOT MAIL
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TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Date Filed : February 19, 2008	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:

Henry D. Jefferson

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	15-May-08	APPL. S. N:	10817556
To Examiner:	BROADHEAD, BRIAN	Art Unit	3661
From	Goodwyn, Diane PARALEGAL SPCEALIST	Return This Memo To: Case Drop-Off Location	CPK5-8T00

SUBJECT: Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see 14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):

- The TD fee of [REDACTED] has not been submitted nor is there any authorization in the application file for the use of a deposit account.
- The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
- The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
- The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
- The person who signed the T.D.:
 - is not an attorney "of record" (see 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see 14.28).
 - is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
- The T.D. is not signed (see 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
- Other: [REDACTED] 
- Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: _____ Date: _____

Log Date: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pillar et al.

Title: TURRET CONTROL SYSTEM AND METHOD FOR A FIRE FIGHTING VEHICLE

Appl. No.: 10/817,556

Filing Date: 4/2/2004

Examiner: Brian J. Broadhead

Art Unit: 3664

Conf. No.: 4861

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Oshkosh Truck Corporation, having its principal place of business at 2307 Oregon Street, Oshkosh, Wisconsin 54902, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/817,556, filed 04/02/04, which is a continuation-in-part of: (1) U.S. Patent Application No. 10/326,907, filed 12/20/02 and (2) U.S. Patent Application No. 10/364,668, filed 02/11/03, by virtue of an Assignment filed and recorded on 04/02/04, on Reel/Frame 015185/0394, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent No. 7,107,129, which issued on U.S. Patent Application No. 10/668,623, filed 9/23/2003, which is a continuation of U.S. Patent Application Serial No. 10/364,668, filed 2/11/2003, by virtue of an Assignment filed and

recorded on 4/22/2004, on Reel/Frame 015240/0460, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX B.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 7,274,976, which issued on U.S. Patent Application No. 11/518,870, filed 09/11/06, which is a continuation of U.S. Patent Application Serial No. 10/668,623, filed 09/23/03, which is continuation-in-part of U.S. Patent Application No. 10/364,668, filed 02/11/03, by virtue of an Assignment filed and recorded on 11/27/06, on Reel/Frame 018553/0972, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX C.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 7,184,862, which issued on U.S. Patent Application No. 10/364,683, filed 02/11/03, which is a continuation-in-part of U.S. Patent Application No. 10/326,907, filed on 12/20/02, which is continuation-in-part of U.S. Patent Application Serial No. 09/927,946, filed 08/10/01, which is continuation-in-part of U.S. Patent Application No. 09/384,393, filed 08/27/99, which is a continuation-in-part of U.S. Patent Application No. 09/364,690, filed on 07/30/99, said application No. 10/326,907 is a continuation-in-part of U.S. Patent Application No. 09/500,506, filed on 02/09/00, by virtue of an Assignment filed and recorded on 05/06/03, on Reel/Frame 014031/0972, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX D.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 7,162,332, which issued on U.S. Patent Application No. 10/364,668, filed 02/11/03, which is a continuation-in-part of U.S. Patent Application No. 10/326,907, filed on 12/20/02, which is continuation-in-part of U.S. Patent Application Serial No. 09/927,946, filed 08/10/01, which is continuation-in-part of U.S. Patent Application No. 09/500,506, filed 02/09/00, which is a continuation-in-part of U.S. Patent Application No. 09/384,393, filed on 08/27/99, which is a continuation-in-part of U.S. Patent Application No. 09/364,690, filed on 07/30/99, by virtue of an Assignment filed and recorded on 05/13/03, on Reel/Frame 014057/0074, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX E.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 7,127,331, which issued on U.S. Patent Application No. 10/364,906, filed 02/11/03, which is a continuation-in-part of U.S. Patent Application No. 10/326,907, filed on 12/20/02, which is continuation-in-part of U.S. Patent Application Serial No. 09/927,946, filed 08/10/01, which is continuation-in-part of U.S. Patent Application No. 09/384,393, filed on 08/27/99, which is a continuation-in-part of U.S. Patent Application No., 09/364,690, filed on 07/30/99, said application No. 10/326,907 is a continuation-in-part of U.S. Patent Application No. 09/500,506, filed on 02/09/00, by virtue of an Assignment filed and recorded on 05/06/03, on Reel/Frame 014030/0056, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX F.

Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,922,615, which issued on U.S. Patent Application No. 10/364,905, filed 02/11/03, which is a continuation-in-part of U.S. Patent Application No. 10/326,907, filed on 12/20/02, which is continuation-in-part of U.S. Patent Application Serial No. 09/927,946, filed 08/10/01, which is continuation-in-part of U.S. Patent Application No. 09/500,506, filed 02/09/00, which is a continuation-in-part of U.S. Patent Application No. 09/384,393, filed on 08/27/99, which is a continuation-in-part of U.S. Patent Application No. 09/364,690, filed on 07/30/99, by virtue of an Assignment filed and recorded on 05/06/03, on Reel/Frame 014030/0062, in the United States Patent and Trademark Office, a copy of which is attached hereto as APPENDIX G.

Your Petitioner, Oshkosh Truck Corporation, hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent Nos. 7,107,129; 7,274,976; 7,184,862; 7,162,332; 7,127,331; and 6,922,615, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent Nos. 7,107,129; 7,274,976; 7,184,862; 7,162,332; 7,127,331; and 6,922,615 shall be the same as the legal title to any patent granted on

the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent Nos. 7,107,129; 7,274,976; 7,184,862; 7,162,332; 7,127,331; and 6,922,615 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent Nos. 7,107,129; 7,274,976; 7,184,862; 7,162,332; 7,127,331; and 6,922,615 expire for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of U.S. Patent Nos. 7,107,129; 7,274,976; 7,184,862; 7,162,332; 7,127,331; and 6,922,615 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent Nos. 7,107,129; 7,274,976; 7,184,862; 7,162,332; 7,127,331; and 6,922,615, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the Assignments attached as APPENDICES A, B, C, D, E, F, and G and to the best of his knowledge and belief, legal title to the above identified patent application and U.S. Patent Nos. 7,107,129; 7,274,976; 7,184,862; 7,162,332; 7,127,331; and 6,922,615 rests with Petitioners, Oshkosh Truck Corporation. The undersigned declares that all statements made herein of his own

knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date 2-19-08

By /David G. Luettgen/

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